

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
BOSTON, MASSACHUSETTS

FILED
CLERKS OFFICE
2005-9 P 3:38

U.S. DISTRICT COURT
DISTRICT OF MASS.

LUCIANO DE SOUZA

Plaintiff,

v.

MICHAEL CHERTOFF, SECRETARY)
United States Department)
of Homeland Security;)
EDUARDO AGUIRRE, Jr.,)
Director, U.S. Citizen-)
Ship and Immigration)
Services, Department of)
Homeland Security;)
DENIS RIORDAN, District)
Director, U.S. Citizenship)
and Immigration Services)
Department of Homeland)
Security)

MAGISTRATE JUDGE *Dein*

Civil Action No.

COMPLAINT FOR WRIT
IN THE NATURE OF
MANDAMUS

RECEIPT # 67738
AMOUNT \$ 90
SUMMONS ISSUED 90
LOCAL RULE 4.1
WAIVER FORM
MCF ISSUED
BY DPTY. GLK FOV
DATE 3/14/05

INTRODUCTION

The Plaintiff, by and through his undersigned attorney, brings this civil action for mandamus to compel the Defendants and those acting under them to rule on his Application for Adjustment of Status (I-485) duly filed by the Plaintiff on or about December 4, 2001.

I. PARTIES

1. The Plaintiff Luciano De Souza (the "Plaintiff") is a United States Legal Permanent Resident, who currently resides at 6 Greenview St., #5, Framingham, MA 01701
2. The Defendant Michael Chertoff is the Secretary of the Department of Homeland Security ("DHS"); the Defendant Eduardo Aguirre, Jr. is the Director of the U.S. Citizenship and Immigration Services; the Defendant, Denis Riordan, is the Director of the Boston office of U.S. Citizenship and Immigration Services ("USCIS"), an agency within DHS (collectively, the "Defendants"). The Defendants are sued herein in their official capacity. The Defendants are charged by law with the obligation of adjudicating Petitions for Alien Relatives and Application by aliens to adjust status pursuant to § 245 of the Immigration and Nationality Act, 8 U.S.C. 1256 ("INA").

II. JURISDICTION AND VENUE

3. This is a civil action brought pursuant to 28 U.S.C. §§ 1331 and 1361 to compel the Defendants and those working under them to perform a duty that they owe to the Plaintiff.
4. Jurisdiction is conferred by 28 U.S.C. § 1651, 5 U.S.C. § 704, and 28 U.S.C. §§, 2201 and 2202.

5. Costs and fees will be sought pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, 28 U.S.C. § 2412(d) et seq.
6. Venue is properly before this Court pursuant to 28 U.S.C. § 2412(d) et seq. because the Plaintiff resides in Framingham, Massachusetts.

III. REMEDY

7. The Plaintiff is seeking an order to compel the Defendants and those working under them to adjudicate the Plaintiff's pending application with USCIS and an award of reasonable attorney fees and costs associated with bringing said action.

IV. STATEMENT OF FACTS

8. On or about March 4, 2003, the Plaintiff filed an Application for Adjustment of Status (I-485) with the INS (now USCIS) Regional Office in Boston, Massachusetts (the "Application") A copy of the Application is attached hereto at Exhibit 1.
9. Through the filing of the Application, the Plaintiff was seeking to obtain lawful permanent status (a "Green Card") based on an approved I-140 Petition.
10. On or about August 6, 2003, the Defendants through their designated agent (Officer Toni Swanson) ("USCIS Officer") interviewed the Plaintiff on his Application.

11. At the conclusion of the interview the USCIS Officer said she needed to get a visa number, and, once obtained, she would issue an approval letter.
12. As of the date of this action, there has been no decision issued by the USCIS on the Application.
13. The Plaintiff, through Counsel, has made extensive efforts to secure a decision from USCIS. Specifically, he has sent numerous letters on a number of occasions, i.e., August 26, 2003, November 21, 2003, March 29, 2004, April 21, 2004, May 28, 2004 and June 30, 2004 and July 29, 2004 wherein they requested that USCIS adjudicate the Application. Copies of said letters are attached hereto as Exhibit 2.
14. The USCIS has not responded in any manner to the above-referenced letter requests. In addition, the Plaintiff has made numerous telephone calls to supervisory personal at USCIS regarding the matter but have received no response from USCIS.
15. The Plaintiff has no administrative remedies available.
16. As a result of the Defendants willful and unreasonable delay in adjudicating the Plaintiff's Application, the Plaintiff has been prejudiced. Until the Application is adjudicated, the Plaintiff is unable to travel abroad, must continually renew his Employment Authorization Card, is unable to accumulate time towards an eventual application for naturalization, is unable to plan for his future, and is in

constant fear that he will suffer deportation at some future date.

17. The Defendants have arbitrarily, willfully and unreasonably delayed the adjudication of the Plaintiff's Application.
18. The Defendants owe the Plaintiff the duty to act upon his Application and have unreasonably failed to perform that duty.
19. No other remedy exists for the Plaintiff to resolve the Defendants' delay.

CLAIM FOR RELIEF

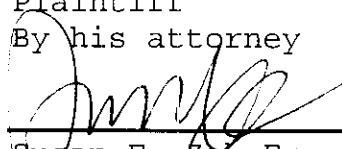
WHEREFORE, the Plaintiff prays that this Honorable Court:

- A. Order the Defendants to have their agents rule upon the Application filed by the Plaintiff and
- B. Award reasonable attorney's fees and costs of this action pursuant to the Equal Access to Justice Act; and
- C. Award any other relief this court deems just, proper and equitable.

Dated: ^{March}~~February~~ 7 2005

Respectfully Submitted,

Plaintiff
By his attorney



Susan E. Zak Esq.
BBO # 568044
LAW OFFICE OF JOHN K. DVORAK
P.C.
P.O. Box 8788
180 Canal Street
Boston, MA 02114

LAW OFFICES OF JOHN K. DVORAK, P.C.

ATTORNEY-AT-LAW

123 NORTH WASHINGTON STREET • BOSTON, MA 02114 • (617) 723-4422 • FAX (617) 723-8305

John K. Dvorak
Christopher W. Drinan

December 4, 2001

Immigration & Naturalization Service
Vermont Service Center
75 Lower Welden Street
Saint Albans, VT 05479-0001

Re: I-485 Application to Register Permanent Residence or Adjust Status
Applicant: Luciano De Souza

Dear Sir/Madam:

Under cover of G-28, please be advised that I was retained by the above named Applicants in order that I may assist them with the Application to Register Permanent Residence or Adjust Status. Enclosed please find the following documents:

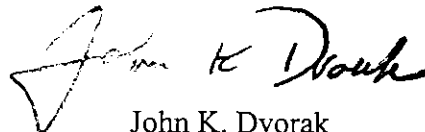
1. Processing Sheet;
2. Applicant's Form G-28;
3. Applicant's Form I-485/485A;
4. Applicant's Form G-325;
5. Form I-797 Approval Notice;
6. Applicant's birth certificate;
7. Two Photographs of Applicant;
8. Medical Exams;

9. Employment letter;

10. Checks in the amount of \$220.00 for the I-485 fee, \$1,000.00 for the penalty, fee, \$25.00 checks for the fingerprinting fee.

If you find that all is in proper order, I would ask that you please adjudicate the case. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "John K. Dvorak". The signature is stylized with a large, looped "J" and a cursive "Dvorak".

John K. Dvorak

JKD:ie

BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED

UNITED STATES DEPARTMENT OF JUSTICE
Immigration & Naturalization Service

Processing Sheet

Application of: Luciano DE SOUZA
Petition Form No. I-485 File No. none

I-181 Information Sheet

Name: Luciano DE SOUZA
Address: 6 Greenview Street #5
Framingham, MA 01701
Sex: M
Date of Birth: 09/24/1980
City of Birth: Tarumirim
Country of Birth: Brazil
Country of Nationality: Brazil
Country of Last Residence: Brazil
Marital Status: S
Occupation: cook
Nonimmigrant Class at Time of Application: B2 overstay/I-140 Approval
Year Admitted to U.S.: 2000

U.S. Consulate Post Where You Received
your Nonimmigrant Visa: Rio de Janeiro
Date Nonimmigrant Visa Issued: 04/07/2000
Number of Nonimmigrant Visa: 35704649
Classification of Nonimmigrant Visa: B2

Mother's First Name: Margarida
Father's First Name: Miguel

Priority Date: 03/23/2001
Preference: E3
Country to Which Chargeable: Brazil

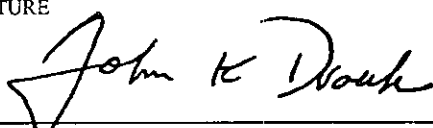
NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE

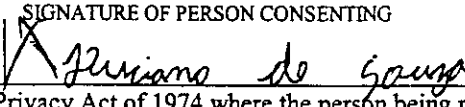
In re: I-485	DATE 12/03/2001
	FILE No. n/a

I hereby enter my appearance as attorney for (or representative of), and at the request of, the following named person(s):

NAME Luciano A De Souza	<input type="checkbox"/> Petitioner <input checked="" type="checkbox"/> Beneficiary	<input type="checkbox"/> Applicant <input type="checkbox"/>
ADDRESS (Apt. No.) (Number & Street) (City) (State) (ZIP Code) 5 6 Greenview Street # 5 Framingham MA 01701		
NAME Papa Razzi	<input checked="" type="checkbox"/> Petitioner <input type="checkbox"/> Beneficiary	<input type="checkbox"/> Applicant <input type="checkbox"/>
ADDRESS (Apt. No.) (Number & Street) (City) (State) (ZIP Code) 16 Washington Street Wellesley MA		

Check applicable Item(s) below:

<input checked="" type="checkbox"/> 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia <u>MA</u> <u>SJC</u> (Name of Court) and am not under a court or administrative agency order suspending, enjoining, restraining, disbaring, or otherwise restricting me in practicing law.	
<input type="checkbox"/> 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:	
<input type="checkbox"/> 3. I am associated with _____ the attorney of record who previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)	
<input type="checkbox"/> 4. Others (Explain fully.)	
SIGNATURE 	COMPLETE ADDRESS Law Office of John K. Dvorak, P.C. P.O. Box 8788 Boston MA 02114
NAME (Type or Print) John K. Dvorak, Esq.	TELEPHONE NUMBER 617-723-4422

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS: <u>John K. Dvorak</u> (Name of Attorney or Representative)		
THE ABOVE DISCLOSURE IS IN CONNECTION WITH THE FOLLOWING MATTER: All immigration matters.		
NAME OF PERSON CONSENTING Luciano DE SOUZA	SIGNATURE OF PERSON CONSENTING 	DATE 12/03/2001
(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)		

U.S. Department of Justice
Immigration and Naturalization Service

OMB No. 1115-0053
**Form I-485, Application to Register
Permanent Residence or Adjust Status**

START HERE - Please Type or Print**Part 1. Information about you.**

Family Name De Souza	Given Name Luciano	Middle Initial A
Address - C/O		
Street Number and Name 6 Greenview Street		Apt. # 5
City Framingham		
State MA	Zip Code 01701	
Date of Birth (month/day/year) 09/24/1980	Country of Birth Brazil	
Social Security # none	A # (if any) n/a	
Date of Last Arrival (month/day/year) 04/16/2000	I-94 # 03994831602	
Current INS Status Out Of Status	Expires on (month/day/year) n/a	

Part 2. Application Type. (Check one)

I am applying for adjustment to permanent resident status because

- a. ☒ an immigrant petition giving me an immediately available immigrant visa number has been approved. (Attach a copy of the approval notice—or a relative, special immigrant juvenile, or special immigrant military visa petition filed with this application that will give you an immediately available visa number, if approved.)
- b. ☐ My spouse or parent applied for adjustment of status or was granted lawful permanent residence in an immigrant visa category that allows derivative status for spouses and children.
- c. ☐ I entered as a K-1 fiancé(e) of a U.S. citizen whom I married within 90 days of entry, or I am the K-2 child of such a fiancé(e) [Attach a copy of the fiancé(e) petition approval notice and the marriage certificate.]
- d. ☐ I was granted asylum or derivative asylum status as the spouse or child of a person granted asylum and am eligible for adjustment.
- e. ☐ I am a native or citizen of Cuba admitted or paroled into the U.S. after January 1, 1959, and thereafter have been physically present in the U.S. for at least one year.
- f. ☐ I am the husband, wife, or minor unmarried child of a Cuban described in (e) and am residing with that person, and was admitted or paroled into the U.S. after January 1, 1959, and thereafter have been physically present in the U.S. for at least one year.
- g. ☐ I have continuously resided in the U.S. since before January 1, 1972.
- h. ☐ Other basis of eligibility. Explain. (If additional space is needed, use a separate piece of paper.)

I am already a permanent resident and am applying to have the date I was granted permanent residence adjusted to the date I originally arrived in the U.S. as a nonimmigrant or parolee, or as of May 2, 1964, whichever date is later, and: (Check one)

- i. ☐ I am a native or citizen of Cuba and meet the description in (e), above.
- j. ☐ I am the husband, wife or minor unmarried child of a Cuban, and meet the description in (f), above.

FOR INS USE ONLY

Returned _____ _____ _____	Receipt _____ _____ _____
Resubmitted _____ _____ _____	
Reloc Sent _____ _____ _____	
Reloc Rec'd _____ _____ _____	
<input type="checkbox"/> Applicant Interviewed	

Section of Law

- ☐ Sec. 209(b), INA
☐ Sec. 13, Act of 9/11/57
☐ Sec. 245, INA
☐ Sec. 249, INA
☐ Sec. 1 Act of 11/2/66
☐ Sec. 2 Act of 11/2/66
☐ Other _____

Country Chargeable**Eligibility Under Sec. 245**

- ☐ Approved Visa Petition
☐ Dependent of Principal Alien
☐ Special Immigrant
☐ Other _____

Preference**Action Block****To Be Completed by
Attorney or Representative, if any**

- ☐ Fill in box if G-28 is attached to represent the applicant

VOLAG#

ATTY State License #

Continued on back.

Part 3. Processing Information

A. City/Town/Village of Birth Tarumirim		Current occupation Cook	
Your mother's first name Margarida		Your father's first name Miguel	
Give your name exactly how it appears on your Arrival/Departure Record (Form I-94) Luciano Souza			
Place of last entry into the U.S. (City/State) Orlando, Florida		In what status did you last enter? <i>(Visitor, Student, exchange alien, crewman, temporary worker, without inspection, etc.)</i> B2	
Were you inspected by a U.S. Immigration Officer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Nonimmigrant Visa Number 35704649		Consulate where Visa was issued Rio De Janeiro	
Date Visa was issued (month/day/year) 04/07/2000	Sex: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Marital Status <input type="checkbox"/> Married <input checked="" type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed	
Have you ever before applied for permanent resident status in the U.S.? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If you checked "Yes," give date and place of filing and final disposition.			

B. List your present husband/wife, all of your sons and daughters (if you have none, write "none". If additional space is needed, use separate paper).

Family Name None	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No

C. List your present and past membership in or affiliation with every political organization, association, fund, foundation, party, club, society, or similar group in the United States or in other places since your 16th birthday. Include any foreign military service in this part. If none, write "none". Include the name(s) of organization(s), location(s), dates of membership from and to, and the nature of the organization(s). If additional space is needed, use a separate piece of paper.

Part 3. Processing Information (Continued)

Please answer the following questions. (If your answer is "Yes" on any one of these questions, explain on a separate piece of paper. Answering "Yes" does not necessarily mean that you are not entitled to register for permanent residence or adjust status).

1. Have you ever, in or outside the U.S.:
 - a. knowingly committed any crime of moral turpitude or a drug-related offense for which you have not been arrested? ☐ Yes ☒ No
 - b. been arrested, cited, charged, indicted, fined, or imprisoned for breaking or violating any law or ordinance, excluding traffic violations? ☐ Yes ☒ No
 - c. been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency or similar action? ☐ Yes ☒ No
 - d. exercised diplomatic immunity to avoid prosecution for a criminal offense in the U.S.? ☐ Yes ☒ No
2. Have you received public assistance in the U.S. from any source, including the U.S. government or any state, county, city, or municipality (other than emergency medical treatment), or are you likely to receive public assistance in the future? ☐ Yes ☒ No
3. Have you ever:
 - a. within the past 10 years been a prostitute or procured anyone for prostitution, or intend to engage in such activities in the future? ☐ Yes ☒ No
 - b. engaged in any unlawful commercialized vice, including, but not limited to, illegal gambling? ☐ Yes ☒ No
 - c. knowingly encouraged, induced, assisted, abetted or aided any alien to try to enter the U.S. illegally? ☐ Yes ☒ No
 - d. illicitly trafficked in any controlled substance, or knowingly assisted, abetted or colluded in the illicit trafficking of any controlled substance? ☐ Yes ☒ No
4. Have you ever engaged in, conspired to engage in, or do you intend to engage in, or have you ever solicited membership or funds for, or have you through any means ever assisted or provided any type of material support to, any person or organization that has ever engaged or conspired to engage, in sabotage, kidnapping, political assassination, hijacking, or any other form of terrorist activity? ☐ Yes ☒ No
5. Do you intend to engage in the U.S. in:
 - a. espionage? ☐ Yes ☒ No
 - b. any activity a purpose of which is opposition to, or the control or overthrow of, the Government of the United States, by force, violence or other unlawful means? ☐ Yes ☒ No
 - c. any activity to violate or evade any law prohibiting the export from the United States of goods, technology or sensitive information? ☐ Yes ☒ No
6. Have you ever been a member of, or in any way affiliated with, the Communist Party or any other totalitarian party? ☐ Yes ☒ No
7. Did you, during the period March 23, 1933 to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ever order, incite, assist or otherwise participate in the persecution of any person because of race, religion, national origin or political opinion? ☐ Yes ☒ No
8. Have you ever engaged in genocide, or otherwise ordered, incited, assisted or otherwise participated in the killing of any person because of race, religion, nationality, ethnic origin, or political opinion? ☐ Yes ☒ No
9. Have you ever been deported from the U.S., or removed from the U.S. at government expense, excluded within the past year, or are you now in exclusion or deportation proceedings? ☐ Yes ☒ No
10. Are you under a final order of civil penalty for violating section 274C of the Immigration Act for use of fraudulent documents or have you, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the U.S., or any other immigration benefit? ☐ Yes ☒ No
11. Have you ever left the U.S. to avoid being drafted into the U.S. Armed Forces? ☐ Yes ☒ No
12. Have you ever been a J nonimmigrant exchange visitor who was subject to the two-year foreign residence requirement and not yet complied with that requirement or obtained a waiver? ☐ Yes ☒ No
13. Are you now withholding custody of a U.S. Citizen child outside the U.S. from a person granted custody of the child? ☐ Yes ☒ No
14. Do you plan to practice polygamy in the U.S.? ☐ Yes ☒ No

Continued on back

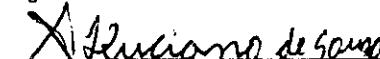
Form I-485 (Rev. 02/07/00)N Page 3

Part 4. Signature. *(Read the information on penalties in the instructions before completing this section. You must file this application while in the United States.)*

I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it is all true and correct. I authorize the release of any information from my records which the INS needs to determine eligibility for the benefit I am seeking.

Selective Service Registration. The following applies to you if you are a man at least 18 years old, but not yet 26 years old, who is required to register with the Selective Service System: I understand that my filing this adjustment of status application with the Immigration and Naturalization Service authorizes the INS to provide certain registration information to the Selective Service System in accordance with the Military Selective Service Act. Upon INS acceptance of my application, I authorize INS to transmit to the Selective Service System my name, current address, Social Security number, date of birth and the date I filed the application for the purpose of recording my Selective Service registration as of the filing date. If, however, the INS does not accept my application, I further understand that, if so required, I am responsible for registering with the Selective Service by other means, provided I have not yet reached age 26.

Signature	Print Your Name	Date	Daytime Phone Number
-----------	-----------------	------	----------------------

	Luciano De Souza		
--	------------------	--	--

Please Note: If you do not completely fill out this form, or fail to submit required documents listed in the instructions, you may not be found eligible for the requested document and this application may be denied.

Part 5. Signature of person preparing form if other than above. *(Sign Below)*

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature	Print Your Name	Date	Daytime Phone Number
-----------	-----------------	------	----------------------

Firm Name and Address

U.S. Department of Justice
Immigration and Naturalization Service

OMB #1115-0053

Supplement A to Form I-485

START HERE - Please Type or Print

Part 1. Information about applicant

Family Name De Souza	First Name Luciano	Middle Name Arcanjo
Address - C/O		
Street Number and Name 6 Greenview Street # 5		Apt. Suite 5
City Framingham	State or Province MA	
Country USA	ZIP/Postal Code 01701	
INS A # n/a	Date of Birth (month/day/year) 09/24/1980	Country of Birth Brazil

Part 2. Basis for Eligibility (check one)

1. On Form I-485, Part 2, I checked application type (check one):

- | | |
|--|-----------------------------------|
| a. <input checked="" type="checkbox"/> An immigrant petition. | Go to #2. |
| b. <input type="checkbox"/> My spouse or parent applied. | Go to #2. |
| c. <input type="checkbox"/> I entered as a K-1 fiancé. | Stop Here. Do Not File This Form. |
| d. <input type="checkbox"/> I was granted asylum. | Stop Here. Do Not File This Form. |
| e. <input type="checkbox"/> I am a native or citizen of Cuba. | Go to #3. |
| f. <input type="checkbox"/> I am the husband, wife or child of a Cuban. | Go to #3. |
| g. <input type="checkbox"/> I have continuously resided in the U.S. | Stop Here. Do Not File This Form. |
| h. <input type="checkbox"/> Other. | Go to #2 |
| i. <input type="checkbox"/> I am already a permanent resident. | Stop Here. Do Not File This Form. |
| j. <input type="checkbox"/> I am already a permanent resident and am the husband, wife or unmarried child of a Cuban | Stop Here. Do Not File This Form. |

2. I have filed Form I-360 and I am applying for adjustment of status as a special immigrant juvenile court dependent or a special immigrant who has served in the United States Armed Forces (check one).

☐ Yes Stop Here. Do Not File This Form. ☒ No Go to #3.

3. On Form I-485, Part 2, I checked block (e) or (f) and I last entered the United States legally after having been inspected and admitted or paroled. ☐ Yes Stop Here. Do Not File This Form. ☒ No Go to #11.

4. I last entered the United States (check one):

- | | | | |
|--|------------|---|-----------|
| <input type="checkbox"/> As a stowaway. | Go to #11. | <input type="checkbox"/> Legally without a visa as a visitor for tourism or business. | Go to #5. |
| <input type="checkbox"/> Legally as a crewman (D-1/D-2 visa). | Go to #11. | <input type="checkbox"/> Legally as a parolee. | Go to #5. |
| <input type="checkbox"/> Without inspection. | Go to #11. | <input checked="" type="checkbox"/> Legally with another type of visa (show type B2). | Go to #5. |
| <input type="checkbox"/> Legally in transit without visa status. | Go to #11. | | |

5. I last entered the United States legally without a visa as a visitor for tourism or business, and I am applying for adjustment of status as the spouse, unmarried child (under 21 years of age), parent, widow or widower of a United States citizen (check one).

☐ Yes Stop Here. Do Not File This Form. ☒ No Go to #6.

6. I last entered the United States legally as a parolee, or with a visa (except as a crewman), or as a Canadian citizen without a visa, and I am applying for adjustment of status (check one).

☐ As the spouse, unmarried child less than 21 years old, parent, widow or widower of a United States citizen. Stop Here. Do Not File This Form.

☐ As a special immigrant retired international organization employee or family member of an international organization employee or as a special immigrant physician; and I have filed Form I-360. Stop Here. Do Not File This Form.

☒ Under some other category. Go to #7.

FOR INS USE ONLY

Returned	Receipt
Resubmitted	
Reloc Sent	
Reloc Rec'd	
Interviewed	
File Reviewed	Class of Adjustment Code:

To Be Completed by Attorney or Representative, if any

☐ Check if G-28 is attached showing you represent the petitioner

VOLAG#

ATTY State License #

Part 2. Continue.

7. I am a national of the (former) Soviet Union, Vietnam, Laos or Cambodia who last entered the United States legally as a public interest parolee after having been denied refugee status, and I am applying for adjustment of status under Public Law 101-167 (check one).
☐ Yes Stop Here. Do Not File This Form. ☒ No Go to #8.
8. I have been employed in the United States after January 1, 1977 without INS authorization (check one).
☒ Yes Go to #9. ☐ No Go to #10.
9. I am applying for adjustment of status under the Immigration Nursing Relief Act (INRA); I was employed without INS authorization only on or before November 29, 1990, and I have always maintained a lawful immigration status while in the United States after November 5, 1986 (check one):
☐ Yes Stop Here. Do Not File This Form. ☒ No Go to #10.
10. I am now in lawful immigration status; and I have always maintained a lawful immigration status while in the United States after November 5, 1986 (check one).
☐ Yes Stop Here. Do Not File This Form.
☐ No, but I believe the INS will determine that my failure to be in or maintain a lawful immigration status was through no fault of my own or for technical reasons. Stop Here. Do Not File This Form, Attach an explanation regarding this question to your Form I-485 application.
 No Go to #11.
11. I am unmarried and less than 17 years old (check one).
☐ Yes Stop Here. File This Form and Form I-485. Pay only the fee required with Form I-485.
☒ No Go to #12.
12. I am the unmarried child of a legalized alien and am less than 21 years old, or I am the spouse of a legalized alien; and I have attached a copy of my receipt or approval notice showing that I have properly filed Form I-817, Application for Voluntary Departure under the Family Unity Program (check one).
☐ Yes Stop Here. File This Form and Form I-485. Pay only the fee required with Form I-485.
☒ No Go to #13.
13. File The Form and Form I-485. You must pay the additional sum:
 \$ 220.00 - Fee required with Form I-485 * and
 \$1,000.00 - Additional sum under section 245(i) of the Act

 \$1,220.00 - Total amount you must pay.
- *If you filed Form I-485 separately, attach a copy of your filing receipt and pay only the additional sum of \$1000.00. In #11 and / or #12, show the answer you would have given on the date you filed Form I-485.

Part 3. Signature. Read the information on penalties in the instruction before completing this section. If someone helped you prepare the petition he or she must complete Part 4.

I certify, under penalty of perjury under the laws of the United States of America, that this application, and the evidence submitted with it, is all true and correct. I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking.

Signature <i>Luciano De Souza</i>	Print Your Name Luciano De Souza	Date	Daytime Telephone No.
--------------------------------------	-------------------------------------	------	-----------------------

Please Note: If you do not completely fill out this form or fail to submit required documents listed in the instructions, you may not be found eligible for the requested document and this application may be denied.

Part 4. Signature of person preparing form if other than above. (Sign Below)

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature	Print Your Name	Date	Daytime Telephone No.
-----------	-----------------	------	-----------------------

Firm Name
and Address

U.S. Department of Justice
Immigration and Naturalization Service

BIOGRAPHIC INFORMATION

OMB No. 1115-0066
Approval expires 4-30-85

(Family name) De Souza		(First name) Luciano	(Middle name) Arcanjo	<input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE	BIRTHDATE (Mo.-Day-Yr.) 09/24/1980	NATIONALITY Brazilian	FILE NUMBER A- n/a
ALL OTHER NAMES USED (Including names by previous marriages) n/a				CITY AND COUNTRY OF BIRTH Tarumirim Brazil		SOCIAL SECURITY NO. (If any) none	
FATHER De Souza		FIRST NAME Miguel	DATE, CITY AND COUNTRY OF BIRTH (If known) 09/29 Tarumirim, Brazil	CITY AND COUNTRY OF RESIDENCE Tarumirim Brazil			
MOTHER (Maiden name) De Jesus		FIRST NAME Margarida	DATE, CITY AND COUNTRY OF BIRTH (If known) 12/24 Alto Rio Doce, Brazil	CITY AND COUNTRY OF RESIDENCE Tarumirim Brazil			
HUSBAND(If none, so state) OR WIFE none	FAMILY NAME (For wife, give maiden name)	FIRST NAME	BIRTHDATE	CITY & COUNTRY OF BIRTH	DATE OF MARRIAGE	PLACE OF MARRIAGE	
FORMER HUSBANDS OR WIVES (If none, so state)							
FAMILY NAME (For wife, give maiden name)	FIRST NAME	BIRTHDATE	DATE & PLACE OF MARRIAGE		DATE AND PLACE OF TERMINATION OF MARRIAGE		
none							
APPLICANT'S RESIDENCE LAST FIVE YEARS, LIST PRESENT ADDRESS FIRST							
STREET AND NUMBER		CITY	PROVINCE OR STATE	COUNTRY	FROM MONTH YEAR	TO MONTH YEAR	
6 Greenview Street # 5		Framingham	MA	USA	05 2001	PRESENT TIME	
154 Salem Street		Framingham	MA	USA	04 2000	05	2001
APPLICANT'S LAST ADDRESS OUTSIDE THE UNITED STATES OF MORE THAN ONE YEAR							
STREET AND NUMBER		CITY	PROVINCE OR STATE	COUNTRY	FROM MONTH YEAR	TO MONTH YEAR	
APPLICANT'S EMPLOYMENT LAST FIVE YEARS. (IF NONE, SO STATE.) LIST PRESENT EMPLOYMENT FIRST							
FULL NAME AND ADDRESS OF EMPLOYER				OCCUPATION (SPECIFY)	FROM MONTH YEAR	TO MONTH YEAR	
Papa Razzi 16 Washington Street, Wellesley				Cook	09 2000	PRESENT TIME	
Show below last occupation abroad if not shown above. (Include all information requested above.)							
THIS FORM IS SUBMITTED IN CONNECTION WITH APPLICATION FOR: <input type="checkbox"/> NATURALIZATION <input type="checkbox"/> OTHER (SPECIFY): <input checked="" type="checkbox"/> STATUS AS PERMANENT RESIDENT							
SIGNATURE OF APPLICANT <i>Luciano de Souza</i>				DATE			
Are all copies legible? <input checked="" type="checkbox"/> Yes				If your native alphabet is other than roman letters, write your name in your native alphabet here:			

PENALTIES: SEVERE PENALTIES ARE PROVIDED BY LAW FOR KNOWINGLY AND WILLFULLY FALSIFYING OR CONCEALING A MATERIAL FACT.

APPLICANT:

BE SURE TO PUT YOUR NAME AND ALIEN REGISTRATION NUMBER IN
THE BOX OUTLINED BY HEAVY BORDER BELOW.

COMPLETE THIS BOX (Family Name)	(Given name)	(Middle name)	(Alien registration number)
De Souza	Luciano	Arcanjo	n/a

PAPA • RAZZI
TRATTORIA • BAR

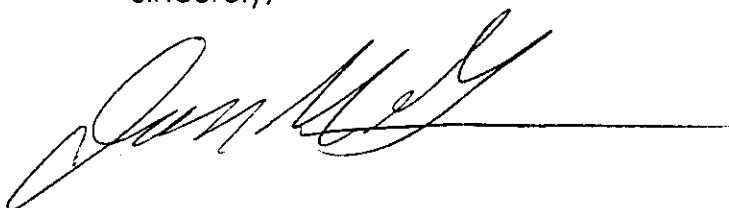
11/05/01

To whom it may concern:

This letter is to verify that Mr. Luciano Desouza works for our company on a full time basis as a cook. His earnings are approximately \$440.00 per week. Mr. Luciano Desouza is an excellent employee and we hope that he will stay in our employ for a vey long time.

Should you require anything further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason M. Garriepy", is written over a horizontal line.

Jason M. Garriepy

Executive chef, PapaRazzi Restaurant

[Handwritten signature]
 CARTÓRIO DE PAZ
 MUNICÍPIO DE TARUMIRIM
 ESTADO DE MINAS GERAIS

FEDERATIVA DO BRASIL



CARTÓRIO DE PAZ

ESTADO DE MINAS GERAIS

COMARCA, MUNICÍPIO E DISTRITO DE TARUMIRIM

Cartório: Ed. do Fórum "JOÃO DE ANDRADE" Av. Cunha 40 - fone 208
 Residência: Rua Apolônio Gomes Furtado, 42 - fone: 238

Pedra Alves Pereira

OFICIAL DO REGISTRO CIVIL DAS PESSOAS NATURAIS

CERTIDÃO DE NASCIMENTO

Certifico que, à fls. 086 - do livro A-06 sob termo nº -03445 --
 está registrado o nascimento de "LUCIANO ARCANJO DE SOUZA" /=/=/=/=/=
 = = = = =
 do sexo - masculino - - - nascido(a) aos - 24 - de - setembro -09 -
 de 13:30 às 02h00 hora, em Hospital São Vicente da Paula desta Ci-
 dade de Tarumirim, Minas Gerais. x:x:x:x:x: sendo que é filho(a) de: *

PAI	MÃE
Nome Miguel Arcanjo de Souza.	Nome Margarida Maria de Jesus.:
natural de TARUMIRIM(MG)	natural de ALTO RIO DOCE(MG) =

e casados em TARUMIRIM(MG) =
 sendo que são seus
 Avós Paternos | Avós Maternos
 Nome Sebastião Jotelino de Melo.:

[Vertical stamp: SÃO PAULO]

LUCIANO DE SOUSA
PETER SCHLESINGER, M.D.
CIVIL SURGEON

**DO NOT OPEN
I.N.S.
ONLY**

FEDERATIVE REPUBLIC OF BRAZIL
State of Minas Gerais
County, Municipality & District of Tarumirim

BIRTH CERTIFICATE

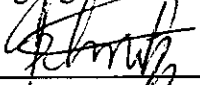
Book #: A-06 Page #: 086 Term #: 03445
Name: LUCIANO ARCANJO DE SOUZA, male.
Date of Birth: September 24, 1980 at 2:00 AM at Sao Vicente Hospital.
Place of Birth: Tarumirim City, Minas Gerais State.
Name of the father: Miguel Arcanjo de Souza, natural of Tarumirim (MG).
Name of the mother: Margarida Maria de Jesus, natural of Alto Rio Doce (MG).
Paternal Grandfather: Floravante Beltrame.
Paternal Grandmother: Luzia Mendes da Paixao.
Maternal Grandfather: Sebastiao Jotelino de Melo.
Maternal Grandmother: Maria Madalena de Jesus.
Declarant: the father.
Witnesses: Ronan Moreira and Heli de Andrade, Brazilians, and resident at this district.
Observations: First copy.

The above is true and to it I give faith.

Tarumirim
October 07, 1980

(Signed)
Official of Civil Registry

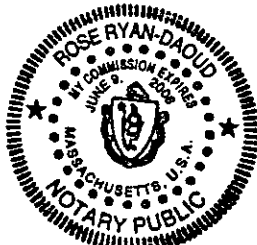
I certify that I am a competent bilingual translator in the Portuguese and English Languages and that I have translated this document to the best of my ability.



Joanna Mondardo Schmitz
Boston, MA Date: 12/05/01

Signed and sworn before me this 5TH day of DECEMBER, 2001.

Rose Ryan-Daoud
Notary Public



LAW OFFICES OF JOHN K. DVORAK, P.C.

ATTORNEY-AT-LAW

PO BOX 8788 • 180 CANAL STREET, 4th FLOOR • BOSTON, MA 02114 • (617) 723-4422 • FAX (617) 723-8305

JOHN K. DVORAK
Christopher W. Drinan

August 26, 2003

EXAMS
Bureau of Citizenship and Immigration Services
JFK Federal Building
Boston, MA 02203

Request to Adjudicate I-485 Application

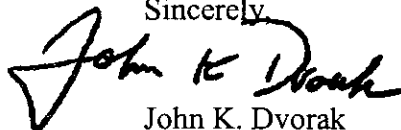
RE: I-485 Application to Adjust Status
Applicant: Luciano A. de Souza
A#: 95-367-226
Interview Date: August 6, 2003

Dear BCIS Officer:

You interviewed the above referenced Applicant on August 6, 2003 regarding his I-485 application to adjust status.

Please issue a decision on this case. Thank you for your attention to this matter.

Sincerely,


John K. Dvorak

JKD:js

LAW OFFICES OF JOHN K. DVORAK, P.C.

ATTORNEY-AT-LAW

PO BOX 8788 • 180 CANAL STREET, 4th FLOOR • BOSTON, MA 02114 • (617) 723-4422 • FAX (617) 723-8305

JOHN K. DVORAK
Christopher W. Drinan

November 21, 2003

EXAMS
Bureau of Citizenship and Immigration Services
JFK Federal Building
Government Center
Boston, MA 02203

Request to Adjudicate I-485 Application

RE: I-485 Application to Adjust Status
Applicant: Luciano A. De Souza
A#: 95-367-226
Interview Date: August 6, 2003

Dear BCIS Officer:

You interviewed the above referenced Applicant on August 06, 2003 regarding his I-485 application to adjust status.

Please issue a decision on this case. Thank you for your attention to this matter.

Sincerely,

John K. Dvorak

JKD:lo

LAW OFFICES OF JOHN K. DVORAK, P.C.

ATTORNEY-AT-LAW

PO BOX 8788 • 180 CANAL STREET, 4th FLOOR • BOSTON, MA 02114 • (617) 723-4422 • FAX (617) 723-8305

JOHN K. DVORAK
Christopher W. Drinan

March 29, 2004

EXAMS
US Citizenship & Immigration Services
JFK Federal Building
Government Center
Boston, MA 02203

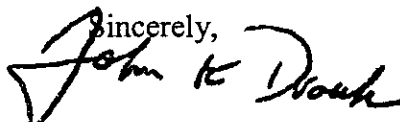
Request to Adjudicate I-485 Application

RE: I-485 Application to Adjust Status
Applicant: Luciano A. DE SOUZA
A#95-367-226
Interview Date: August 6, 2003

Dear CIS Officer:

Above referenced Applicant was interviewed on August 6, 2003 regarding his I-485 Application.

Please issue a decision on this case. Thank you for your attention to this matter.

Sincerely,

John K. Dvorak

JKD:js

LAW OFFICES OF JOHN K. DVORAK, P.C.

ATTORNEY-AT-LAW

PO BOX 8788 • 180 CANAL STREET, 4th FLOOR • BOSTON, MA 02114 • (617) 723-4422 • FAX (617) 723-8305

JOHN K. DVORAK
Christopher W. Drinan

April 21, 2004

EXAMS
US Citizenship & Immigration Services
JFK Federal Building
Government Center
Boston, MA 02203

Request to Adjudicate I-485 Application

RE: I-485 Application to Adjust Status
Applicant: Luciano A. DE SOUZA A# 95-367-226
Interview Date: August 6, 2003

Dear BCIS Officer:

Above referenced Applicant was interviewed on August 6, 2003 regarding his I-485 Application. No additional documents were requested, but the application was not adjudicated pending security checks.

If you have received final security clearance, I would appreciate you adjudicating the case at your earliest convenience.

Sincerely,

John K. Dvorak

JKD:ml

LAW OFFICES OF JOHN K. DVORAK, P.C.

ATTORNEY-AT-LAW

PO BOX 8788 • 180 CANAL STREET, 4th FLOOR • BOSTON, MA 02114 • (617) 723-4422 • FAX (617) 723-8305

JOHN K. DVORAK
Christopher W. Drinan

May 28, 2004

EXAMS
Bureau of Citizenship and Immigration Services
JFK Federal Building
Government Center
Boston, MA 02203

Request to Adjudicate I-485 Application

RE: I-485 Application to Adjust Status
Applicant: Luciano A. DE SOUZA
A#: 95-367-226
Interview Date: August 06, 2003

Dear BCIS Officer:

The above referenced Applicant was interviewed on August 6, 2003 regarding his I-485 pending Application. No additional documents were requested, but the application was not adjudicated pending to fingerprint clearance.

If you have received final security clearance, I would appreciate you adjudicating the case at your earliest convenience.

Sincerely,

John K. Dvorak

LAW OFFICES OF JOHN K. DVORAK, P.C.

ATTORNEY-AT-LAW

PO BOX 8788 • 180 CANAL STREET, 4th FLOOR • BOSTON, MA 02114 • (617) 723-4422 • FAX (617) 723-8305

JOHN K. DVORAK
Christopher W. Drinan

June 30, 2004

EXAMS
US Citizenship & Immigration Services
JFK Federal Building
Government Center
Boston, MA 02203

Request to Adjudicate I-485 Application

RE: I-485 Application to Adjust Status
Applicant: Luciano A. DE SOUZA
A# 95-367-226

Interview Date: August 6, 2003

Dear BCIS Officer:

Above referenced Applicants were interviewed on August 6, 2003 regarding their I-485 Application. No additional documents were requested, but the application was not adjudicated pending security checks. He was fingerprinted again on April 01, 2004.

If you have received final security clearance, I would appreciate you adjudicating the case at your earliest convenience.

Sincerely,

John K. Dvorak

JKD:ml

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSFILED
CLERKS OFFICE1. Title of case (name of first party on each side only) Luciano DeSouza v. Michael Chertoff

7500-9 P 3-38

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- ☐ I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- ☒ II. 195, 196, 368, 400, 440, 441-446, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- ☐ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- ☐ IV. 220, 422, 423, 430, 460, 480, 490, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- ☐ V. 150, 152, 153.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.
n/a

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐ NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐ NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐ NO ☒

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐ NO ☐7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).YES ☒ NO ☐A. If yes, in which division do all of the non-governmental parties reside?Eastern Division ☒ Central Division ☐ Western Division ☐

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☐ Central Division ☐ Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐ NO ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Susan Zak, Esq., Law Offices of John K. Dvorak, P.C.ADDRESS 180 Canal Street, 4th Floor, P.O. Box 8788, Boston, MA 02114TELEPHONE NO. 617 723-7766

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings for other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Luciano DeSouza

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Susan E. Zak, Esq.

Phone: 617 723-7766

Law Office of John K. Dvorak P.C. 180 Canal Street, Boston, MA 02114

DEFENDANTS

Michael Chertoff, Sec. of DHS; Eduardo A. Aguirre, Jr., Dir. USCIS; Denis Riordan, District Dir. USCIS

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Office of General Counsel, USCIS; Henry Hanley, Dist. Counsel, USCIS, JFK Building, Room 425, Boston, MA

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff☐ 3 Federal Question
(U.S. Government Not a Party)☐ 2 U.S. Government Defendant☐ 4 Diversity

(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State

PTF DEF
☐ 1 ☐ 1

Incorporated or Principal Place of Business in This State

PTF DEF
☐ 4 ☐ 4

Citizen of Another State

☐ 2 ☐ 2

Incorporated and Principal Place of Business in Another State

☐ 5 ☐ 5

Citizen or Subject of a Foreign Country

☐ 3 ☐ 3

Foreign Nation

☐ 6 ☐ 6

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT

- ☐ 110 Insurance
☐ 120 Marine
☐ 130 Miller Act
☐ 140 Negotiable Instrument
☐ 150 Recovery of Overpayment & Enforcement of Judgment
☐ 151 Medicare Act
☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
☐ 153 Recovery of Overpayment of Veteran's Benefits
☐ 160 Stockholders' Suits
☐ 190 Other Contract
☐ 195 Contract Product Liability
☐ 196 Franchise

TORTS

PERSONAL INJURY

- ☐ 310 Airplane
☐ 315 Airplane Product Liability
☐ 320 Assault, Libel & Slander
☐ 330 Federal Employers' Liability
☐ 340 Marine
☐ 345 Marine Product Liability
☐ 350 Motor Vehicle
☐ 355 Motor Vehicle Product Liability
☐ 360 Other Personal Injury

PERSONAL INJURY

- ☐ 362 Personal Injury - Med. Malpractice
☐ 365 Personal Injury - Product Liability
☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY

- ☐ 370 Other Fraud
☐ 371 Truth in Lending
☐ 380 Other Personal Property Damage
☐ 385 Property Damage Product Liability

FORFEITURE/PENALTY

- ☐ 610 Agriculture
☐ 620 Other Food & Drug
☐ 625 Drug Related Seizure of Property 21 USC 881
☐ 630 Liquor Laws
☐ 640 R.R. & Truck
☐ 650 Airline Regs.
☐ 660 Occupational Safety/Health
☐ 690 Other

BANKRUPTCY

- ☐ 422 Appeal 28 USC 158
☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS

- ☐ 820 Copyrights
☐ 830 Patent
☐ 840 Trademark

OTHER STATUTES

- ☐ 400 State Reapportionment
☐ 410 Antitrust
☐ 430 Banks and Banking
☐ 450 Commerce
☐ 460 Deportation
☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 480 Consumer Credit
☐ 490 Cable/Sat TV
☐ 810 Selective Service
☐ 850 Securities/Commodities/Exchange
☐ 875 Customer Challenge 12 USC 3410
☐ 890 Other Statutory Actions
☐ 891 Agricultural Acts
☐ 892 Economic Stabilization Act
☐ 893 Environmental Matters
☐ 894 Energy Allocation Act
☐ 895 Freedom of Information Act
☐ 900 Appeal of Fee Determination Under Equal Access to Justice
☐ 950 Constitutionality of State Statutes

REAL PROPERTY

- ☐ 210 Land Condemnation
☐ 220 Foreclosure
☐ 230 Rent Lease & Ejectment
☐ 240 Torts to Land
☐ 245 Tort Product Liability
☐ 290 All Other Real Property

PRISONER PETITIONS

- ☐ 510 Motions to Vacate Sentence
☐ 530 General
☐ 535 Death Penalty
☐ 540 Mandamus & Other
☐ 550 Civil Rights
☐ 555 Prison Condition

LABOR

- ☐ 710 Fair Labor Standards Act
☐ 720 Labor/Mgmt. Relations
☐ 730 Labor/Mgmt. Reporting & Disclosure Act
☐ 740 Railway Labor Act
☐ 790 Other Labor Litigation
☐ 791 Empl. Ret. Inc. Security Act

SOCIAL SECURITY

- ☐ 861 HIA (1395ff)
☐ 862 Black Lung (923)
☐ 863 DIWC/DIWW (405(g))
☐ 864 SSD Title XVI
☐ 865 RSI (405(g))

FEDERAL TAX SUITS

- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
☐ 871 IRS—Third Party 26 USC 7609

V. ORIGIN

(Place an "X" in One Box Only)

☒ 1 Original Proceeding☐ 2 Removed from State Court☐ 3 Remanded from Appellate Court☐ 4 Reinstated or Reopened☐ 5 Transferred from another district (specify)☐ 6 Multidistrict Litigation☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

28 USC 1651; 5 USC 704-Mandamus Action to Compel USCIS Decision on Immigration Application

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DATE

DOCKET NUMBER

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPAYING IFP

JUDGE

MAG. JUDGE